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October 7, 2016

Federal Election Commission
Jeff S. Jordan, Assistant General Counsel
Office of Complaint Examination
and Legal Administration
999 E. Street, NW
Washington, DC 20463

Re: MUR 7131

Dear Mr. Jordan:

OFFICE OF GENERAL

EDERAL ELECTION

We write as counsel to the DCCC and Kelly Ward in her official capacity as Treasurer, in response to a complaint filed by Brian T. Griset on September 1, 2016 (the "Complaint"). The Complaint presents no conduct by the DCCC that could be construed to violate the Act, and accordingly, the Federal Election Commission ("FEC" or "Commission") should dismiss this matter with respect to the DCCC immediately.

The Complaint charges that another political committee, Senior Votes Count ("SVC"), coordinated with Congresswoman Carol Shea-Porter and her staff to produce a radio advertisement on October 29, 2014, in support of the Congresswoman's reelection campaign. The Complaint includes additional frivolous allegations against these committees, including claims of inaccurate reports, reporting delays, and excessive contributions. While there does not appear to be a basis for any of these allegations, regardless of their validity, the Complaint contains no actual allegation that the DCCC violated any law, or specifically, any provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), or Commission regulations.

The Complaint's sole substantive reference to the DCCC is to note one expenditure made by the DCCC on October 30, 2014, for the purpose of "media production" for "US House District 01." See Compl. at 5. This expenditure had nothing at all to do with any activity undertaken by SVC. In fact, the DCCC's independent expenditure of \$355 to Murphy Vogel Askew Reilly, LLC, for the purpose of "media production" for "US House District 01" on October 30, 2014 was actually for shipping costs associated with one of the DCCC's own television advertisements. The Complaint fails to present any additional facts in connection with the DCCC.

^{&#}x27;*See* Exhibit A

² The Complaint notes that the DCCC receives estimated contributions through ActBlue and supported Representative Shea-Porter's campaign in 2014, neither of which are relevant to the SVC advertisement. See Compl. at 24-25.

"The Commission may find reason to believe only if a complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of the [Act]." Additionally, the Commission does not accept mere speculation as truth, nor does it consider "unwarranted legal conclusions" drawn from asserted facts as truth. In this instance, the Complaint alleges no facts connecting the DCCC to any alleged activity of SVC or to the ad in question. The Complaint, instead, relies on pure speculation based on the date of the expenditure: October 30, 2014. But there are no allegations provided in the Complaint to support any connection between the DCCC and this advertisement, and indeed, there was none. The DCCC made countless payments to vendors across the country that day, the upcoming November election was days away, and documentation shows the expenditure referenced in the Complaint was for the DCCC's own communications.

Because the Complaint presents no fact that, even if true, would amount to a violation of the law by the DCCC, and because its claim against the DCCC is wholly speculative and refuted by actual evidence, the Commission should conclude that "the complaint does not meet the threshold for finding reason to believe" any violation occurred and immediately dismiss the DCCC from this matter.⁵

We appreciate the Commission's consideration of this response.

Very truly yours,

Marc Erik Elias Graham Wilson Courtney Weisman Counsel to DCCC

³ Statement of Reasons of Commissioners David M. Mason, Karl J. Sandstrom, Bradley A. Smith and Scott E. Thomas, Matter Under Review 4960 (Clinton for U.S. Exploratory Committee) (Dec. 21, 2000).

⁵ First General Counsel's Report, Matter Under Review 5304 (Cardoza for Congress) (Jan. 21, 2004), at 9; see also Statement of Reasons, Matter Under Review 4960, supra note 3.

Exhibit A

Murphy Vogel Askew Reilly LLC

1199 N. Fairfax St. Suite 220 Alexandria, VA 22314

Date	Invoice #
10/29/2014	D3C-476-14b

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Bill To	
Democratic Congressional Committee D3C14-NH01-T01H-FINAL	

Terms

Due on receipt

	Description	Amo	unt
Spot Delivery to Stations - "Failure"			355.00
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			•
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·	•		
•	•	•	
		Total	6366 U
		Total	\$355.0

Murphy Vogel Askew Reilly LLC

1199 N. Fairfax St. Suite 220 Alexandria, VA 22314

Invoice

Date	Invoice #
10/7/2014	D3C-476-14

Bill To	
Democratic Congressional Committee D3C14-NH01-T01H-FINAL	

Terms

Due on receipt

Description	Amount
Audio Mix & Music - "Failure" Edit - "Failure" Voiceover (talent) - "Failure" Mix - "Failure" additional Compressions - "Failure" Edit Expense - "Failure" Stock Image Archive Fee - "Failure" Spot Delivery to Stations - "Failure" Total Reimbursable Expenses	950.00 3,500.00 1,395.02 238.06 250.00 98.00 318.00 77.76 325.00 72.00 2,575.00 9,798.84
	Total \$9,798.84